

RONI GILADI

June 23, 1998

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[1] [2] A: Yes, I understand. I am thinking.  
 [3] MR. DINHOFER: Repeat the question so  
 [4] that he can hear it back. Listen carefully  
 [5] to the question.  
 [6] (Record read.)  
 [7] A: I don't recall exactly what the union  
 [8] did and what ground they filed. The only things  
 [9] I remember when I spoke with Mr. Cohen about the  
 [10] arbitration, the main issue there was that I  
 [11] return to work and I have the right for another  
 [12] year of medical leave, and if I would like to  
 [13] exercise it.  
 [14] And I said, yes. And this is the  
 [15] reason that I went to arbitration. This is the  
 [16] only thing that I can respond, but I don't know  
 [17] the details.  
 [18] Q: Is it your position in this suit that  
 [19] AICOM's failure to grant you the year leave of  
 [20] absence -  
 [21] Strike that. Is it your position in  
 [22] this lawsuit?  
 [23] A: In this lawsuit.  
 [24] Q: That AECOM failed to reasonably  
 [25] accommodate you by not granting you another year

[1] [2] suppose to be giving training for at least a  
 [3] month before I was given all this kind of work.  
 [4] And although I have a background  
 [5] in photography, my skills as a technical  
 [6] photographer, and not medical photography where  
 [7] medical photography is totally different than  
 [8] regular photography, and therefore I am supposed  
 [9] to get some training period.  
 [10] He testified that my boss, when he  
 [11] spoke with my boss about that, my boss refused to  
 [12] give him the time to teach me how to do medical  
 [13] photography.  
 [14] Q: You testified that Lande testified  
 [15] that you were supposed to be given a, at least a  
 [16] month of training before you were given  
 [17] photography work?  
 [18] A: Yes.  
 [19] Q: Is that correct?  
 [20] A: Yes.  
 [21] Q: What's your understanding of why you  
 [22] were supposed to be given a month of training?  
 [23] A: Because I am a video person, and if  
 [24] they would like me to do photography work, I  
 [25] cannot just, they cannot just put me in the

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[1] [2] of leave of absence?  
 [3] A: No. This lawsuit is strictly to  
 [4] the fact that my boss deliberately refused to  
 [5] accommodate my medical disabilities, refused to  
 [6] provide me with a chair, refused to provide me  
 [7] with a lower table, refused to give me part-time  
 [8] work. And based on my boss' statement, he was  
 [9] challenging my doctor's notes.  
 [10] Q: Did you testify on your own behalf in  
 [11] the arbitration in March of 1996?  
 [12] A: I believe so, yes.  
 [13] Q: Did anyone else testify on your  
 [14] behalf?  
 [15] A: Yes. Lande.  
 [16] Q: Who testified on behalf of the school?  
 [17] A: Altman and Ms. Zuckman.  
 [18] Q: What did Jerry Lande testify about, at  
 [19] the arbitration?  
 [20] A: That I was giving jobs that, they  
 [21] were not accommodating my medical disability,  
 [22] not -  
 [23] Sorry.  
 [24] He said that I was given jobs that  
 [25] do not fit with my professional status, and I

[1] [2] darkroom for four or eight hours doing work that  
 [3] really is not something that I was doing on a  
 [4] daily basis.  
 [5] I was not doing it for the last 13  
 [6] years, and I did it here and there for, here and  
 [7] there as a helping in the department.  
 [8] And I was given light work, meaning  
 [9] doesn't need a lot of very complicated work for  
 [10] the darkroom.  
 [11] They are giving me work that is  
 [12] complicated, difficult, you need a lot of  
 [13] knowledge, you need to be a photographer for  
 [14] that, where I am not specialized in photography.  
 [15] I specialize in video. And what you  
 [16] are saying, if you want to put me in photography,  
 [17] you should give him the training.  
 [18] Q: As far as you knew, were you entitled  
 [19] to at least a month of training pursuant to any  
 [20] kind of agreement?  
 [21] A: There is no agreement that I am a  
 [22] photographer to start with.  
 [23] Q: That's not what I am asking you,  
 [24] Mr. Giladi. I am asking you whether you are  
 [25] aware of any agreement that would have entitled

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[1] [2] you to at least a month of training before doing  
 [3] photography work?  
 [4] A: What went on behind the scenes, I  
 [5] don't know.  
 [6] Q: What do you mean by behind the scenes?  
 [7] A: You asked me a question, if I know I  
 [8] am entitled. Before you ask me questions, if I  
 [9] can do the job, should I, can I bump somebody.  
 [10] So the point is, if you want me to do  
 [11] some work, first if you think the person can do  
 [12] it, first you give him some time to get used to  
 [13] it, if the person was not doing it for many  
 [14] years.  
 [15] Q: I am asking you a different question,  
 [16] Mr. Giladi.  
 [17] I am asking you what the basis, what  
 [18] your understanding of the basis for this  
 [19] entitlement to at least a month of training  
 [20] before doing photography work is?  
 [21] A: I don't know what -  
 [22] I know what Mr. Lande said, and why he  
 [23] said it; I don't know.  
 [24] Q: You don't know what the basis for  
 [25] his knowledge of why the fact that you are

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[1] [2] supposed to get a month of training before doing  
 [3] photography is?  
 [4] A: I don't know.  
 [5] Q: All right. You testified that the  
 [6] darkroom work that you were asked to do in August  
 [7] of 1994 was complicated?  
 [8] A: Yes.  
 [9] Q: It was difficult. What about it was  
 [10] complicated and difficult?  
 [11] A: You have to do a lot of work that is  
 [12] not routine, taking a negative and enlargement  
 [13] and just print it, a lot of them is composite  
 [14] works, a lot of work that is not part of my daily  
 [15] routine.  
 [16] I am a video specialist, and I was  
 [17] managing all of the video production work for  
 [18] Albert Einstein for 13 years. And suddenly you  
 [19] put me in the darkroom and even any person, even  
 [20] though he went to school and studied something,  
 [21] when you go to a place of work, the place of work  
 [22] teaches you or gives you some training to be  
 [23] exposed to the type of work that the institution  
 [24] is doing. I was never, I never got this kind of  
 [25] training.

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[1] [2] Q: What is composite work, Mr. Giladi?  
 [3] A: Composite work is taking too many  
 [4] pictures and combining them together and making  
 [5] some difference, negative, and this is combined,  
 [6] putting them together.  
 [7] Q: Have you ever done it prior to August  
 [8] of 1994?  
 [9] A: No.  
 [10] Q: Didn't you work in the darkroom prior  
 [11] to August of 1994?  
 [12] A: I said before, I worked here and  
 [13] there, when the department needed help.  
 [14] I said I worked there too before I  
 [15] went on medical leave, and I worked ten years or  
 [16] 13 years before that. For the period of the 13  
 [17] years I did not even touch darkroom work.  
 [18] Q: In connection with the March 1996  
 [19] arbitration, did you take the position that AICOM  
 [20] failed to accommodate your disabilities in  
 [21] violation of the Collective Bargaining Agreement?  
 [22] A: I did not.  
 [23] Q: Are you aware of whether your union  
 [24] took that position?  
 [25] A: I don't know.

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[1] [2] MR. DINHOFER: Is that privileged?

[3] MS. SADE: No.

[4] MR. DINHOFER: I wonder. Would that

[5] be privileged as to what -

[6] MS. SADE: If you are going to direct

[7] him not to answer based on privilege, we can

[8] have another reason to call him back.

[9] MR. DINHOFER: This is the person

[10] conducting his arbitration hearing, and who

[11] will be his duly appointed attorney.

[12] MS. SADE: He had an attorney at the

[13] arbitration hearing.

[14] MR. DINHOFER: Per se, I don't know if

[15] this is privileged.

[16] MS. SADE: Well -

[17] MR. DINHOFER: I will reserve the

[18] objection on the basis of privilege, but I

[19] will let him answer over the objection.

[20] But we will save that for the time of

[21] trial in connection with this context.

[22] MS. SADE: In connection with the

[23] conversation that you had, that he had with

[24] Paul Cohen with respect to that.

[25] MR. DINHOFER: Yes.

[1]

[2] Q: What was the outcome?

[3] A: Denied to give me another year of

[4] leave. A denial to give me another year.

[5] Q: Were you notified of the outcome in

[6] writing?

[7] A: I believe so.

[8] Q: Did you review the award that was

[9] rendered in connection with the arbitration?

[10] A: I don't think so. I don't recall.

[11] Q: Do you know who lives at 14 Glen Drive

[12] in Livingston?

[13] A: I found out on Sunday.

[14] Q: Who lives there?

[15] A: I believe what my son told me on

[16] Sunday, my son and his mother.

[17] Q: So, it is your testimony that that is

[18] where your X wife lives with your children?

[19] A: It is what I found out on Sunday.

[20] Q: I take it you spoke to your son on

[21] Sunday?

[22] A: I saw him on Sunday.

[23] Q: Where did you see him?

[24] A: In Millburn.

[25] Q: Where in Millburn?

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[1] [2] Q: What did you say to Hillel Cohen?

[3] A: I don't recall at the moment. I don't

[4] recall the conversation.

[5] Q: Did the issue of your request for an

[6] extended leave of absence come up during that

[7] conversation?

[8] A: I believe, it could be.

[9] Q: Did the issue of whether AICOM could

[10] accommodate you in your photography job come up

[11] in your conversation?

[12] A: It may have. I can't recall at the

[13] moment the full conversation.

[14] Q: Do you remember anything about the

[15] conversation?

[16] A: I went to his office to file the

[17] grievance, the grievance paper, and we discussed

[18] five minutes and he wrote what he had to write

[19] and put it through.

[20] Q: Did you write the actual grievance

[21] paper out?

[22] A: No. He wrote it.

[23] Q: He wrote it. Were you notified of the

[24] outcome of the arbitration?

[25] A: Yes.

[1]

[2] MR. DINHOFER: For the record note

[3] that Sunday was Fathers' Day.

[4] Q: I know. I was -

[5] MS. SADE: Off the record.

[6] (Discussion off the record.)

[7] A: I picked him up from his grandparent's

[8] house.

[9] Q: Now, you previously testified that

[10] documentation from Dr. Herness, Dr. Goldstein and

[11] Dr. Cohen was submitted to Workers' Comp on your

[12] behalf; is that correct?

[13] A: I believe so.

[14] Q: All right. Did any other doctors

[15] submit any other reports or documentation to the

[16] Workers' Comp board on your behalf?

[17] A: Dr. Paul P-E-S-C-U.

[18] Q: Pescu.

[19] MR. DINHOFER: Aside from the

[20] examining doctors on behalf of Workers'

[21] Comp.

[22] MS. SADE: He is here to testify about

[23] that.

[24] MR. DINHOFER: Those kind of treating

[25] doctors.

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[1] [2] Q: Let me get through my questions.  
 [3] [4] As far as you know, did any  
 [5] other doctors submit medical reports or  
 [6] documentation to Workers Comp in connection with  
 [7] your condition, and that would include  
 [8] independent medical examiners?  
 [9] A: I was seen by the insurance doctors.  
 [10] Q: Do you recall the names of any of the  
 [11] doctors that you saw?  
 [12] A: Not presently.  
 [13] Q: Were you seen by a doctor named Dr.  
 [14] J.A. Rosenblum?  
 [15] A: I believe so.  
 [16] Q: Jay is the name. Were you seen by a  
 [17] doctor named Fulco?  
 [18] A: I believe so.  
 [19] Q: F-U-L-C-O. How many times were you  
 [20] seen by Dr. Fulco?  
 [21] A: I don't know.  
 [22] Q: Were you seen by a doctor named Norman  
 [23] Petigrow?  
 [24] A: I believe so.  
 [25] Q: How many times were you seen by Dr.  
 [26] Petigrow?

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[1] [2] A: I don't recall.  
 [3] Q: Were you seen by a K-U-L-I-C-K, Roy  
 [4] Kulick?  
 [5] A: I think so, yes.  
 [6] Q: Do you recall when you were seen by  
 [7] Dr. Kulick?  
 [8] A: Not really.  
 [9] Q: Were you seen by a doctor named Arthur  
 [10] E. Heft -  
 [11] A: I believe so.  
 [12] Q: In connection with what injury?  
 [13] A: I don't know. He is the insurance -  
 [14] I think, all of these names you  
 [15] mentioned now, this is doctors that I was  
 [16] referred to by the insurance.  
 [17] Q: By what insurance?  
 [18] MR. DINHOFER: The State Insurance  
 [19] Fund.  
 [20] A: By the State Insurance Fund, and I  
 [21] assume it was with regard to my case with them.  
 [22] Q: You testified, when we last spoke,  
 [23] that Dr. Herness -  
 [24] Strike that.  
 [25] You testified that, you gave your

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[1] [2] attorney a medical certificate from Dr. Herness?  
 [3] A: That is correct.  
 [4] Q: I will hand you what's going to be  
 [5] marked as Exhibit 13.  
 [6] (Defendant's Exhibit 13, medical  
 [7] certification dated April 10, 1994, marked  
 [8] for identification as of this date.)  
 [9] Q: Were you examined at any point by  
 [10] any -  
 [11] (Recess.)  
 [12] Q: Were you examined at any point by any  
 [13] Workers Comp doctors other than the IMEs that you  
 [14] identified earlier?  
 [15] A: I believe so.  
 [16] Q: Do you remember their names?  
 [17] A: No.  
 [18] Q: Were you examined by someone named  
 [19] Benisse Lester?  
 [20] A: I believe so.  
 [21] Q: In connection with what injury?  
 [22] A: I believe that this was with my hands,  
 [23] related to my hands.  
 [24] Q: Do you remember when you were examined  
 [25] by him -

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[1] period of time. When I was seeing Dr. - when I  
 [2] was seeing - I don't know.  
 [3] Q: Did you start seeing Dr. Goldstein for  
 [4] your back after October of 1996, when Dr. Cohen  
 [5] stopped treating your back?  
 [6] A: No. I believe I started with  
 [7] Dr. Goldstein before Dr. Cohen. I started with  
 [8] Dr. Goldstein in August of 1993, and then I was  
 [9] seen by Dr. Cohen and I went, after that I went  
 [10] back to Dr. Goldstein after, I was -  
 [11] I was seeing Dr. Goldstein.  
 [12] - to Dr. Goldstein after I stopped  
 [13] being seen by Dr. Cohen.

[14] Q: Who was treating you for your wrists  
 [15] and elbows during October of 1993 to October of  
 [16] 1996 when you were being treated by Dr. Cohen for  
 [17] your back? Did you understand the question?

[18] A: No.  
 [19] Q: Let me rephrase the question.

21) Withdrawn.

22) Who was treating you for your wrist  
 23) and hands and elbow condition during the period  
 24) October of 1993 to October of 1996?  
 25) A: October of 1993 to October of 1996?

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[1] A: I don't believe anybody else besides  
 [2] him.  
 [3] Q: When you went to the employee health  
 [4] services during the period that you worked for  
 [5] AICOM -  
 [6] MR. DINHOFER: What period?  
 [7] Q: Any of the periods.  
 [8] MR. DINHOFER: From start to finish.  
 [9] Q: When you worked for AICOM, was it  
 [10] their practice to give you documentation of the  
 [11] visit?  
 [12] A: Not always.  
 [13] Q: Did they ever give you documentation  
 [14] of the visit?  
 [15] A: For the last, as I recall for the last  
 [16] few visits I got some documentation for the  
 [17] visit.  
 [18] Q: Do you know who Dr. Ralph Bernstein  
 [19] is?  
 [20] A: Who?  
 [21] Q: Dr. Ralph Bernstein.  
 [22] A: No.  
 [23] Q: Have you ever heard the name Ralph  
 [24] Bernstein?  
 [25] Bernstein?

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[1] Q: Yes.  
 [2] A: I think for a period of time I  
 [3] was being seen by Dr. Harness in Israel and  
 [4] Dr. Russo, more specifically, Dr. Russo, really.  
 [5] Q: Were you being treated by any doctors  
 [6] in America in connection with your wrists and  
 [7] elbow and hand problems?  
 [8] A: I really don't recall.  
 [9] Q: Excuse me.  
 [10] A: I don't recall.  
 [11] Q: Do you recall being treated by someone  
 [12] named Dr. James T. Goodrich?  
 [13] A: This was until I think November of  
 [14] 1993.

[15] Q: How many visits did you make to  
 [16] Dr. Goodrich?  
 [17] A: I don't recall.

[18] Q: Was he treating you for your wrist,  
 [19] hand and elbow condition?  
 [20] A: He was treating me for my elbow

[21] condition, if I am not mistaken.  
 [22] Q: Other than Dr. Goodrich, who else was  
 [23] treating you in America for your carpal tunnel  
 [24] and ulnar nerve condition?

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[1] A: Give me an address.  
 [2] Q: I can't give you any other information  
 [3] but the name.  
 [4] A: The name is not familiar to me.  
 [5] Q: All right. I will hand you what has  
 [6] been marked as Defendant's Exhibit 13, and I  
 [7] don't have copies. I will give you a copy and  
 [8] you are welcome to look at the original.  
 [9] MR. DINHOFER: I believe this is  
 [10] something that I have seen before.  
 [11] Q: Can you tell me whether that is the  
 [12] document that you obtained from Dr. Harness and  
 [13] provided to your attorney in the Workers' Comp  
 [14] action?  
 [15] MR. DINHOFER: By the attorney you  
 [16] mean the Brecker firm, but not me.  
 [17] MS. SADE: That's why I said in the  
 [18] Workers' Comp.  
 [19] A: I believe so.  
 [20] Q: As far as you know is that the  
 [21] document that the Workers' Comp judge had in  
 [22] front of her in connection with your Workers'  
 [23] Comp period?  
 [24] A: I believe so, but I did not see it.

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[1] [2] But, I believe so.  
 [3] Q: When was the last time that you went  
 [4] to a Workers' Comp board for a hearing?  
 [5] A: When you went there.  
 [6] Q: Was that the last one?  
 [7] A: Yes.  
 [8] Q: When is the next one?  
 [9] A: I don't know.  
 [10] Q: Have you received any notice with  
 [11] respect to that?  
 [12] A: No.  
 [13] Q: Has an award been made with respect to  
 [14] your back, has a permanent award been made in  
 [15] connection with your back claim?  
 [16] A: I don't know. No.  
 [17] MS. SADE: Off the record.  
 [18] (Discussion off the record.)  
 [19] Q: Back on the record.  
 [20] You testified in the last two  
 [21] depositions that you have not done any work since  
 [22] August of 1994; is that correct?  
 [23] A: That is correct.  
 [24] Q: All right. I just want to clarify  
 [25] when I say work, I mean any type of work. Do you

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[1] [2] understand that?  
 [3] A: I did not work for anybody.  
 [4] Q: You have not been paid for any  
 [5] services that you provided to anyone?  
 [6] A: No.  
 [7] Q: How long can you work on your lap top  
 [8] now without, before you start feeling pain?  
 [9] A: I don't know.  
 [10] Q: Can you do it for ten minutes?  
 [11] A: I said I don't know. I work,  
 [12] sometimes I have pain and I continue so I don't  
 [13] know.  
 [14] Q: You testified that you attended Ramapo  
 [15] part-time on record, what exactly does that mean?  
 [16] A: My records show that I am a part-time  
 [17] student.  
 [18] Q: Did you in fact attend part-time?  
 [19] A: Yes.  
 [20] Q: You also testified that you tried  
 [21] taking notes at Ramapo, but ended up depending on  
 [22] a tape recorder?  
 [23] A: Yes.  
 [24] Q: Why was that?  
 [25] A: Because the professor talked too fast

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[1] [2] and I could not write fast with respect to my  
 [3] hand.  
 [4] Q: How long were the classes that you  
 [5] attended at Ramapo?  
 [6] A: 25 minutes; 90 minutes.  
 [7] Q: They ranged from 45 to 90 minutes; is  
 [8] that your testimony?  
 [9] A: Yes.  
 [10] Q: How many people attended the classes?  
 [11] A: It depends on what course you took.  
 [12] Q: Were they examiners or lecture  
 [13] classes?  
 [14] A: Lecture. A lot of them were lectures.  
 [15] Q: Where were the lectures held?  
 [16] A: In a classroom.  
 [17] Q: A classroom or an auditorium?  
 [18] A: A classroom.  
 [19] Q: Were you able to sit through a 45  
 [20] minute class while you attended Ramapo?  
 [21] A: It depends on the day, it depends on  
 [22] the chair, it depends on a lot of reasons.  
 [23] Q: Typically, were you able to?  
 [24] A: Sometimes I did and sometimes I did  
 [25] not.

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[1] [2] Q: Was it possible for you to stand up  
 [3] and walk around during classes?  
 [4] A: I could do whatever I felt. I could  
 [5] do it if I felt.  
 [6] Q: So, did the physical limitations that  
 [7] are associated with your back impede your ability  
 [8] to sit through the classes at all?  
 [9] A: I don't understand the question.  
 [10] Q: Did you have any problems sitting  
 [11] through the classes because of your back problem?  
 [12] A: For a long period of time if, and if  
 [13] the chair is not comfortable, yes. If I had a  
 [14] comfortable chair I could sit longer.  
 [15] Q: What about with respect to the 90  
 [16] minute classes, were you able to sit through  
 [17] those classes?  
 [18] A: We have breaks in the middle, so.  
 [19] Q: So because of the breaks you were able  
 [20] to sit through them?  
 [21] A: As I said, this is talking about two  
 [22] years period, but I can't recall exactly what I  
 [23] did.  
 [24] Q: I am just asking you generally.  
 [25] A: Sometimes I was able and sometimes I

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 [2] was not.  
 [3] Q: Is the same true of the classes that  
 [4] you took at Bergen Community College?  
 [5] A: Correct.  
 [6] Q: Even in the fall of 1994, immediately  
 [7] after you attempted to return to work, were you  
 [8] still able to sit through classes at that point?  
 [9] A: I don't recall what I did then.  
 [10] Q: You testified that while you were  
 [11] employed by AICOM you were asked to design closed  
 [12] circuit television systems?  
 [13] A: Correct.  
 [14] Q: Who asked you to do that?  
 [15] A: Dr. Levine.  
 [16] Q: Was that more than once?  
 [17] A: More than once.  
 [18] Q: During the 1980s or '90s?  
 [19] A: In response to your question, when I  
 [20] arrived at Einstein it was not, there was no real  
 [21] department. I designed the full video  
 [22] department, section of the department.  
 [23] Q: I think the testimony that you gave  
 [24] was actually you helped design closed circuit  
 [25] television systems, and I am asking about

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 [2] pooled with other students; during what years did  
 [3] you car pool?  
 [4] A: I believe 1984 and partial of 1985.  
 [5] Q: How often did you car pool?  
 [6] A: I don't recall.  
 [7] **THE WITNESS:** 1994.  
 [8] **MR. DINHOFER:** 1994 and not 1984.  
 [9] Q: Was it more than once a week?  
 [10] A: I think I was going to school only  
 [11] once or twice a week.  
 [12] Q: Did you car pool only once or twice a  
 [13] week?  
 [14] A: I don't recall.  
 [15] Q: How many people were in the car pool?  
 [16] A: Another person.  
 [17] Q: Two of you?  
 [18] A: Yes.  
 [19] Q: What was the name of the other  
 [20] individual in the car pool?  
 [21] A: Someone from the class, but I don't  
 [22] recall the name.  
 [23] Q: Where did the individual live?  
 [24] A: I don't know.  
 [25] Q: Didn't you have to pick him or her up

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[1] **Giladi**  
 [2] something separate now.  
 [3] A: This is part of building a closed  
 [4] circuit TV in the institution to the studio which  
 [5] I designed also.  
 [6] Q: I don't think I understand what you  
 [7] mean by a closed circuit TV in the institution to  
 [8] the studio, can you please explain that?  
 [9] A: We had all of the equipment in the  
 [10] studio and I designed the system that it will be  
 [11] a possibility when I am to record on one  
 [12] location and you can view in a different  
 [13] location.  
 [14] Q: Okay.  
 [15] A: It is closed circuit TV.  
 [16] Q: Where did you install the closed  
 [17] circuit TV outside of the studio?  
 [18] A: We had a few outputs through the  
 [19] institution.  
 [20] Q: Were they still in existence when you  
 [21] were terminated in August of 1994?  
 [22] A: Yes. I think it was used only a few  
 [23] weeks ago.  
 [24] Q: You testified that while you were  
 [25] attending Bergen Community College, you car

[1] **Giladi**  
 [2] and drop him or her off in connection with the  
 [3] car pool?  
 [4] A: No. I did not have the car. I did  
 [5] not have a car at the time.  
 [6] Q: This individual was picking you up and  
 [7] dropping you off?  
 [8] A: Yes.  
 [9] Q: It was not really a car pool, it was  
 [10] like a ride.  
 [11] A: A ride.  
 [12] **MR. DINHOFER:** Whatever. It is the  
 [13] same.  
 [14] **MS. SADE:** Off the record.  
 [15] (Discussion off the record.)  
 [16] Q: You testified previously that in  
 [17] conversations with Dr. Goldstein you did not  
 [18] discuss anything with him regarding your ability  
 [19] to work; is that still your recollection?  
 [20] A: From what period of time are you  
 [21] talking about?  
 [22] Q: During the period that he treated your  
 [23] I guess any of your physical conditions after  
 [24] August of 1994.  
 [25] A: As I said before, to the best of my

*Giladi*

[1] [2] recollection I saw him only in 1996, after I  
 [3] stopped seeing Dr. Cohen.  
 [4] Q: You said 1996.  
 [5] A: 1996. With regard to the period of me  
 [6] returning to work to Einstein, I was not seeing  
 [7] him at that time.  
 [8] Q: Since 1996 can you tell me whether you  
 [9] have discussed anything regarding your ability to  
 [10] work with Dr. Goldstein?  
 [11] A: I did not discuss it with him.  
 [12] Q: I really should ask since  
 [13] Dr. Goldstein started treating you, did you  
 [14] discuss anything relating to your ability to work  
 [15] with him?  
 [16] A: I don't know. I don't recall.  
 [17] Q: All right. Are you aware of  
 [18] Dr. Goldstein's, whether Dr. Goldstein made any  
 [19] C-4 submissions on your behalf to Workers' Comp?  
 [20] A: I believe so.  
 [21] Q: Do you know whether Dr. Goldstein  
 [22] indicated on those C-4s that you were totally  
 [23] disabled from work?  
 [24] A: I did not hear the full question.  
 [25] Q: Do you know whether Dr. Goldstein

*Giladi*

[1] [2] indicated on the C-4s that he submitted to  
 [3] Workers' Comp that you were totally disabled from  
 [4] your job?  
 [5] A: I believe so. It may on some  
 [6] occasion. I said may on some occasion.  
 [7] Q: You testified that prior to August  
 [8] 12th, 1993, this is both previously and today,  
 [9] you were being harassed for a long time.  
 [10] A: All right.  
 [11] Q: You identified Dr. Levine as the  
 [12] person who was harassing you.  
 [13] A: The primary, yes.  
 [14] Q: Who else harassed you?  
 [15] A: The one of –  
 [16] He was the one, but he usually, yes,  
 [17] he was the one that was harassing me.  
 [18] Q: When did Dr. Levine become your – he  
 [19] was not your supervisor was he?  
 [20] A: He was my director.  
 [21] Q: When did Dr. Levine become the  
 [22] director of the Audio Visual Department?  
 [23] A: I don't recall exactly the year, but  
 [24] some time probably in 1984.  
 [25] Q: When did Dr. Levine start harassing

*Giladi*

[1] [2] you subsequent to becoming the director of the  
 [3] department?  
 [4] A: The second part of 1980s.  
 [5] Q: The late '80s?  
 [6] A: The second part of the '80s, but I  
 [7] cannot give you exact dates.  
 [8] Q: How did Dr. Levine in your opinion  
 [9] harass you?  
 [10] A: Taking away from me all my rights,  
 [11] causing me to do my job with some restriction,  
 [12] taking all my freedom that I received up to the  
 [13] point when the harassment started, and writing  
 [14] false letters and creating some scenarios in  
 [15] order to get me fired, writing memos for the  
 [16] disciplinary memos which have no ground to it.  
 [17] Give me permission to do something and  
 [18] after I do it, he reverse the situation and tell  
 [19] me that I was not following his order.  
 [20] Asked me to use my car to pick up  
 [21] equipment, and I got stuck on the highway with a  
 [22] flat tire. I came back to the department and he  
 [23] was punishing me for being late, whereas I  
 [24] provided him with the receipt, the letter, with  
 [25] the receipt from the towing company for that.

*Giladi*

[1] [2] It was something that I was not  
 [3] exposed to before.  
 [4] Before I could go and do my work, come  
 [5] back and everything was appreciated and accepted  
 [6] and everybody understood that I am the person  
 [7] that does the video work. And I have to get the  
 [8] full freedom and access to do my job to the best  
 [9] of my knowledge. And this was from the beginning  
 [10] of my work there, and things just one day turned  
 [11] to the worst and began to be very unpleasant to  
 [12] do my job.  
 [13] Q: Why do you think that Dr. Levine was  
 [14] harassing you in this manner as you described it?  
 [15] A: Because one time I was working in  
 [16] the studio and he came behind me, and I was  
 [17] surprised.  
 [18] He came behind me and he rubbed me in  
 [19] my hips and I jumped, and I looked at him with a  
 [20] very nasty look. And I told him not to do it  
 [21] ever again.  
 [22] After that I was locking my door in  
 [23] the studio, and he demanded that my studio door  
 [24] would be open, and I said absolutely not, I am  
 [25] locking my door. And this started to build some

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*Giladi*

[1] [2] problem.  
 [3] Q: Did you tell anyone at AICOM about the  
 [4] alleged incident with Dr. Levine coming up behind  
 [5] you and grabbing you?  
 [6] A: I believe that in my response to  
 [7] Dr. Levine's letter of March of 1990, I denied  
 [8] all of the allegations in a letter, and in one of  
 [9] the paragraphs I indicated that it is my belief  
 [10] that all this action of Dr. Levine is for  
 [11] harassing purposes because I refused to comply  
 [12] with his sexual approach.

[13] Q: Would you provide the letter to your  
 [14] response?

[15] Who did you provide -  
 [16] Your response to his March 1990 letter  
 [17] was to provide Ms. Zuckman with a written  
 [18] response?

[19] A: Yes.

[20] Q: Was it in letter form?

[21] A: Yes. It was a few pages.

[22] Q: Who was it addressed to?

[23] A: Ms. Zuckman.

[24] Q: Do you have a copy of it still?

[25] A: I need to look for it.

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*Giladi*

[1] [2] after work I went to pick up the equipment.  
 [3] I brought the equipment to the  
 [4] institution and a few days after the graduation,  
 [5] a few days later I was receiving the letter,  
 [6] disciplinary letter, with Dr. Levine telling me  
 [7] that I am disobeying the ruling of the school  
 [8] because they never received the bill for the  
 [9] equipment to be picked up.  
 [10] And he asked me to come for, to talk,  
 [11] he wanted my supervisor, my union delegate to be  
 [12] there during this.  
 [13] After this meeting that I had with  
 [14] Dr. Levine I realized that I had to respond to  
 [15] Mr. Levine's letter of March of 1990. And in my  
 [16] letter I indicated that first I showed how all of  
 [17] the allegations were false and how I clearly  
 [18] complied with the rules and regulations of the  
 [19] college and I did all my work.  
 [20] All of the allegations were false and  
 [21] had no basis.  
 [22] And I also indicated that basis for  
 [23] this disciplinary action was that, did Dr. Levine  
 [24] have in mind to bring somebody from outside to do  
 [25] the job of the graduation, the videotaping of the

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*Giladi*

[1] [2] Q: Do you think you have a copy of it?  
 [3] A: I said I would have to look for it.  
 [4] Q: If you identify a copy of it, would  
 [5] you provide it to your attorney in connection  
 [6] with this suit?

[7] A: Yes, I will.

[8] Q: Thank you.

[9] MR. DINHOFER: The reverse request  
 [10] should be made, is why doesn't Ms. Zuckman  
 [11] have it and why isn't a copy being supplied  
 [2] to us?

[3] MS. SADE: You have what's in the  
 [4] file.

[5] MR. DINHOFER: Of course.

[6] Q: What was the substance of this  
 [7] document that you provided to Ms. Zuckman in  
 [8] March of 1990?

[9] A: I indicated in the letter.

[10] I will go back a little bit. In June  
 [11] of 1990, I believe so, I was being asked to, as  
 [2] usual to prepare for the graduation.

[3] And I made arrangements to pick up  
 [4] the equipment and I did it on my own free time.  
 [5] I was not being paid for that, and

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*Giladi*

[1] [2] graduation.  
 [3] And the only way he could have people  
 [4] come to the department is view the work that I  
 [5] did to get some ideas, is only by kicking me out  
 [6] from the department for a week.  
 [7] What he did, he just built a false  
 [8] scenario and he told me that I am suspended for a  
 [9] week, and in the same week he brought people to  
 [10] the department to review the tape.  
 [11] Accidentally, I found out and I filed an  
 [12] arbitration, grievance in this regard which my  
 [13] attorney told me that this grievance is not in  
 [14] the file, in his file, when I spoke with him  
 [15] about this. Which I don't understand why it is  
 [16] not in the file. This is what exactly -  
 [17] Now the letter is not there, but this  
 [18] is very, and also, this is the basic -  
 [19] I was denying and I was showing why  
 [20] this disciplinary letter was even being created  
 [21] for.  
 [22] Q: So, you stated in the letter to  
 [23] Ms. Zuckman that the basis for the March 1990  
 [24] disciplinary letter was false, is that  
 [25] essentially what you said?

[1] **Giladi**  
 [2] A: Correct.  
 [3] Q: Did you say anything about Dr. Levine  
 [4] making an advance to you in that letter?  
 [5] A: I said it is my belief, I said in a  
 [6] paragraph, it is my belief that Mr. Levine's  
 [7] action is only for harassment, and because I  
 [8] refused to comply with his sexual approach.  
 [9] Q: Did Ms. Zuckman ever get back to you  
 [10] in connection with your allegation of sexual  
 [11] harassment?  
 [12] A: No.  
 [13] Q: Did you ever discuss the fact that  
 [14] Dr. Levine had sexually harassed you, with your  
 [15] union?  
 [16] A: No. I don't recall if I discussed it  
 [17] or not.  
 [18] Q: Did you ever file a sexual harassment  
 [19] complaint against Mr. Levine with the office?  
 [20] A: No.  
 [21] Q: Why?  
 [22] A: Why?  
 [23] Q: Yes. Why.  
 [24] A: I felt uncomfortable, and I did not  
 [25] want to cause turmoil, and I have two kids.

[1] **Giladi**  
 [2] At the time I was having only one  
 [3] child, I believe.  
 [4] I have children to take care of, I  
 [5] have a family to take care of and everything that  
 [6] it will do will cause me to quit my job.  
 [7] And I tried to eliminate any contact  
 [8] with him by closing the door and trying to do my  
 [9] work. And also I did not, I don't think that,  
 [10] no, the reason why -  
 [11] And even if I wrote the letter, nobody  
 [12] even said anything.  
 [13] Q: Is it your belief that the basis for  
 [14] all of Dr. Levine's harassment of you was simply  
 [15] that you rejected his sexual advance?  
 [16] A: How could you describe a person who  
 [17] is being described by everybody as a devoted  
 [18] employee, somebody that is acknowledged by  
 [19] everybody in the institution, the top employee of  
 [20] the department, that not only has became the  
 [21] worst employee with this kind of letter, that I  
 [22] am not responsible, not that, not that.  
 [23] And I know that I am the same person,  
 [24] I know that I was doing my work.  
 [25] I know that I was getting a lot of

[1] **Giladi**  
 [2] letters of accommodation, and from everybody in  
 [3] the institution.  
 [4] And Dr. Levine, before this act,  
 [5] was complying with my requests for everything,  
 [6] telling me -  
 [7] Suddenly he is not giving me, going  
 [8] for training, he is not providing me, refused to  
 [9] give me to go to conferences.  
 [10] He refused to buy me new equipment  
 [11] to keep up with the new technology, he refused to  
 [12] fix my equipment.  
 [13] He is creating fake prices when he is  
 [14] given a price by people, three times or five  
 [15] times as high as anybody in the institution will  
 [16] charge you, only to break the video to cause me  
 [17] to lose my job.  
 [18] Q: Why would he do that?  
 [19] A: Ask him when you talk to him.  
 [20] Q: Why do you think that he was doing  
 [21] that?  
 [22] A: Because I think the fact is, it is  
 [23] after the fact. It was after I rejected him.  
 [24] Q: You think it was related to his sexual  
 [25] advance?

[1] **Giladi**  
 [2] A: I believe so.  
 [3] MS. SADE: Would you mark these as  
 [4] exhibits.  
 [5] (Defendant's Exhibits 14 to 31,  
 [6] letters and memorandums, marked for  
 [7] identification as of this date.)  
 [8] MR. DINHOFER: We are starting with  
 [9] Exhibit 14.  
 [10] Q: We have marked as Exhibit 14 a  
 [11] document, Bates D00900, it is a memo dated July  
 [12] 6, 1989 to Roni Giladi from Mr. David Sagorski,  
 [13] administrator of the Audio Visual Department,  
 [14] subject is written warning.  
 [15] We have marked as Exhibit 15, a  
 [16] two-page document, Bates numbered Defendant's 896  
 [17] and Defendant's 897, dated August 11, 1989, from  
 [18] Dr. Martin Levine to Roni Giladi.  
 [19] And we have marked as Exhibit 16, a  
 [20] two-page document Bates D1366 and D11367, dated  
 [21] March 28, 1990 to Roni Giladi from Dr. Martin  
 [22] Levine. Subject violation of work rules and  
 [23] regulations.  
 [24] We have marked as Exhibit 17, a  
 [25] one-page document Bates D-893 dated April 26th,

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[1] [2] 1990 to Roni Giladi, from Dr. Martin Levine  
 [3] subject suspension.  
 [4] We have marked as Exhibit 18, a five  
 [5] page document Bates D1406 through D1410, dated  
 [6] June 19, 1990, to Roni Giladi from Richard  
 [7] DeWitt, subject meeting.  
 [8] We have marked as Exhibit 19, a  
 [9] two-page document, Bates D1191 to D1192, dated  
 [10] February 11, 1992, to Louise Zuckman from Richard  
 [11] DeWitt subject Roni Giladi.  
 [12] We have marked as Exhibit 20, a  
 [13] two-page document Bates D890 to D891, dated May  
 [14] 21, 1992, to Roni Giladi from Richard DeWitt  
 [15] subject written warning regarding work rules and  
 [16] regulations.  
 [17] We have marked as Defendant's Exhibit  
 [18] 21, all the way at the back, it appears to be a  
 [19] postcard to Roni Giladi from the State Insurance  
 [20] Fund signed by Mr. Giladi on March 22, 1996.  
 [21] We have marked as Exhibit 22, a notice  
 [22] of retainer and appearance, to be filed with the  
 [23] Workers' Comp board the date is I believe  
 [24] 9/23/93.  
 [25] We have marked as Exhibit 23, a three

*Giladi*

[1] [2] 1994, from Louise Zuckman to Hillel Cohen,  
 [3] regarding a second step grievance regarding the  
 [4] denial of leave of absence to Roni Giladi.  
 [5] We are marking as Exhibit 28, a three  
 [6] page document Bates D155 through D157, what  
 [7] appears to be a December 22, 1994 letter from  
 [8] Roni Giladi to Louise Zuckman.  
 [9] And we are marking as Exhibit 29,  
 [10] a one-page document with no Bates number,  
 [11] identified as the Employer's Report of Injury.  
 [12] And marking as Exhibit 30, Plaintiff's  
 [13] Bates number 56, what appears to be a form. It  
 [14] looks like the top and bottom have been cut off.  
 [15] It appears to be an Employer's Report of Injury  
 [16] with the bottom and top cut off.  
 [17] MR. DINHOFER: The same form, it is  
 [18] cut off.  
 [19] MS. SADE: Marking as Exhibit 31, a  
 [20] Workers' Comp board form C3, dated 9/28/93.  
 [21] And that is it.  
 [22] MS. SADE: Off the record.  
 [23] (Discussion off the record.)  
 [24] Q: Mr. Giladi, I will hand you what has  
 [25] been marked as Exhibits 14 through 20.

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[1] [2] page document Bates D00920, '920 and '921, and  
 [3] that is a cover letter dated November 10, 1981  
 [4] from Roni Giladi to the Personnel Department at  
 [5] Albert Einstein College of Medicine enclosing  
 [6] what appears to be a resume.  
 [7] We have marked as Defendant's Exhibit  
 [8] 24, a one page document Bates D922, what appears  
 [9] to be an application for employment to Yeshiva  
 [10] University.  
 [11] We have marked as Exhibit 25, a  
 [12] two-page document Bates D768 to D769, what  
 [13] appears to be a September 9, 1994 letter from  
 [14] Roni Giladi to Ms. Louise Zuckman, enclosing a  
 [15] handwritten note dated September 1, 1994 written  
 [16] by A.J. Cohen.  
 [17] We are marking as Exhibit 26, a  
 [18] two-page document Bates D728 to D729, what  
 [19] appears to be a September 23rd, 1994 letter from  
 [20] Louise Zuckman to Mr. Roni Giladi, enclosing a  
 [21] handwritten note dated August 15, 1994 signed by  
 [22] J. Cohen MD.  
 [23] We are marking as Exhibit 27, a  
 [24] two-page document Bates D731 and D732, what  
 [25] appears to be a memorandum dated December 9,

*Giladi*

[1] [2] And actually, strike that.  
 [3] I will hand you what has been marked  
 [4] as Exhibit 14. Defendant's Exhibit 14. Can you  
 [5] tell me when you have had a chance to review  
 [6] that?  
 [7] A: All right. Okay.  
 [8] Q: Mr. Giladi, have you ever seen Exhibit  
 [9] 14 before?  
 [10] A: I believe so.  
 [11] Q: Who is Mr. David Sagorski?  
 [12] A: My supervisor at the time.  
 [13] Q: Was Dr. Levine an employee of AICOM at  
 [14] this point?  
 [15] A: He was a direct supervisor, yes. He  
 [16] was a director for Audio Visual.  
 [17] Q: Can you tell me after reading this  
 [18] document whether you believe that the contents  
 [19] are accurate?  
 [20] A: No.  
 [21] Q: What is not accurate about this  
 [22] document?  
 [23] A: As I mentioned before, I was given  
 [24] full access to make the arrangements because,  
 [25] full access to make the arrangements to pick up

*Giladi*

[1] [2] the equipment.

[3] This is the issue I discussed before  
 [4] when I said that I got stuck on my return to work  
 [5] with the equipment, and I provided Dr. Levine  
 [6] with a receipt from the company who fixed my  
 [7] tire, and he just disregarded and wrote this  
 [8] letter to me.

[9] Q: Had you been told prior to July 6,

[10] 1998 -

[11] Actually, had you been told prior to  
 [12] February of 1998 that if you were going to be  
 [13] late for any reason that you should call them and  
 [14] let you know?

[15] A: No. First I was not being told, and  
 [16] second on this day I told Dr. Levine that I am  
 [17] going to pick up the equipment, and I will be in  
 [18] the department. I will be, only I can be -

[19] We never discussed time, we never  
 [20] discussed anything.

[21] And I never discussed any time when I  
 [22] am going to be arriving. So all this letter is,  
 [23] is false.

[24] Q: Didn't you have a start time and an  
 [25] end time for your business day?

*Giladi*

[1] [2] A: Not until my harassment by him  
 [3] started.

[4] Q: Didn't a position description that  
 [5] described your job initially say that you had a  
 [6] 9 to 5 job?

[7] A: No. If you look at all of the  
 [8] records, you will find one of the records clearly  
 [9] indicating that I have flexible time, flexible  
 [10] way to do my work.

[11] And sometimes I can come after hours  
 [12] or sometimes hourly, I never had real time.

[13] Sometimes I had to come at 10 and stay  
 [14] until 6 or 7. Sometimes I used to come at 7 in  
 [15] the evening and stay all night to do the job.

[16] It was not 9 to 5. That I was working  
 [17] 9 to 5 is only because my job required it, but if  
 [18] I needed to work odd hours I could work odd  
 [19] hours.

[20] Q: Who advised you that you were  
 [21] entitled to have flexible time and not a set work  
 [22] schedule?

[23] A: During my interviewing in December of  
 [24] 1981.

[25] Q: Is it set forth anywhere in your

*Giladi*

[1] [2] position description?

[3] A: It is set forth in one of the letters  
 [4] that you have, one of the papers you should have  
 [5] someplace.

[6] Q: What paper? I have lots of papers.

[7] A: On my job description there is no  
 [8] strict hours 9 to 5.

[9] Q: Are you sure?

[10] A: Show me that I am wrong.

[11] Q: No. That was a question, you have to  
 [12] answer.

[13] A: This is my recollection, yes.

[14] Q: Okay. Is there anything else wrong,

[15] is there anything else that is not accurate about  
 [16] this letter, the July 6, 1998 written warning?

[17] A: Other things.

[18] MR. DINHOFER: Other than the facts.

[19] MS. SADE: Are you testifying here?

[20] MR. DINHOFER: He testified as to the  
 [21] facts.

[22] MS. SADE: He testified to part of  
 [23] these facts.

[24] A: The first paragraph the last three

[25] lines was incorrect. The second paragraph -

*Giladi*

[1] [2] I did not say anything -

[3] The second paragraph, the second  
 [4] paragraph I was not instructed to make phone  
 [5] calls because I was not, the time when I am going  
 [6] to be arriving was not, there was no prior  
 [7] decision when I am going to be arriving to the  
 [8] department.

[9] Q: Other than that, is the second  
 [10] paragraph accurate?

[11] A: The paragraph?

[12] Q: Yes.

[13] A: That I arrived at 12:30, I don't  
 [14] recall. I may have, I would have to look at my  
 [15] time sheets for that.

[16] I did not have access to a telephone.

[17] Yes, I was on a highway, I was on a  
 [18] highway. There is no phone in the area, and when  
 [19] you ask why I didn't call, I said to him first, I  
 [20] was, I never was required to give you a call; why  
 [21] is now different?

[22] And second, even if I had a right,

[23] even if you asked me to give you a call, I

[24] couldn't, because I am on a highway with no phone  
 [25] around; so how would you like me to give you a

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[1] **Giladi**  
 [2] call?  
 [3] Q: Is there anything else not accurate  
 [4] about this?  
 [5] A: I will look at it slowly.  
 [6] He is talking here that I failed to  
 [7] call the office to inform them about a delay.  
 [8] It was not, it was never as I said  
 [9] before, there was no exact time.  
 [10] So I don't know what delay he is  
 [11] talking about, because they are not expecting me  
 [12] to be there by certain times.  
 [13] He just docked two hours from my time  
 [14] for, this is correct. But this money I think I  
 [15] got back later after I was fighting to prove that  
 [16] all these letters, this letter was wrong.  
 [17] And I think that I was being, all  
 [18] these hours were being given to me, that I proved  
 [19] that the Dr. Levine letter was incorrect and for  
 [20] the purpose of harassment.  
 [21] Q: This is not a letter from Mr. Levine  
 [22] is it?  
 [23] A: This is a Gurski, it is the same  
 [24] thing. Gurski said to many people in the  
 [25] department, to Mr. Giladi, to do what you have

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[1] **Giladi**  
 [2] Q: - on the second paragraph?  
 [3] A: The third paragraph.  
 [4] I am going step by step.  
 [5] You have to remember, this is 1989,  
 [6] this is a long time ago.  
 [7] The third paragraph I was, he said  
 [8] that you remind me again. It was the first time  
 [9] that he was talking about this issue. To the  
 [10] best of my recollection, I can't answer.  
 [11] The rest is intimidation. If I were  
 [12] to do something again, I would be, have some  
 [13] disciplinary action.  
 [14] Q: In intimidation or a warnings?  
 [15] A: Intimidation to intimidate me.  
 [16] Whether he was doing it in the context  
 [17] of a warning or whatever, what he is trying to do  
 [18] with this letter, he is trying to tie my hand  
 [19] from me not to be able to do my job the way I  
 [20] should be able to.  
 [21] Q: In order to do your job you need to  
 [22] arrive whenever you want and leave when you want?  
 [23] A: I need to pick up the equipment  
 [24] necessary with the time needed and arrive when  
 [25] the time required, sometimes it will take to go

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[1] **Giladi**  
 [2] to do.  
 [3] It is unfair and it is not proper.  
 [4] Mr. Giladi works very hard, he is  
 [5] trying to keep the Video Department running, and  
 [6] it is not fair. It is not fair to do what has  
 [7] been done to him.  
 [8] Q: Who did he make that statement to?  
 [9] A: To people in the department. I don't  
 [10] recall at the moment.  
 [11] Q: How do you?  
 [12] A: Because other people came to me and  
 [13] told me that.  
 [14] Q: How many people?  
 [15] A: Two people.  
 [16] Q: Male or female?  
 [17] A: Male and female.  
 [18] Q: One male and one female; do you recall  
 [19] who the male was?  
 [20] A: No. I don't recall.  
 [21] Q: The female?  
 [22] A: I don't recall. I will think about  
 [23] it.  
 [24] Q: Is there anything accurate -  
 [25] A: I am reading.

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[1] **Giladi**  
 [2] through the traffic 20 minutes or three hours,  
 [3] sometimes you have stuff.  
 [4] All right. I will stop there.  
 [5] Q: I will hand you what has been marked  
 [6] as Defendant's Exhibit 15.  
 [7] Can you let me know when you have had  
 [8] a chance to read that, Mr. Giladi.  
 [9] A: All right.  
 [10] MS. SADE: Off the record.  
 [11] (Discussion off the record.)  
 [12] Q: Have you ever seen this document,  
 [13] Mr. Giladi?  
 [14] A: I believe so. I am not sure.  
 [15] Q: Exhibit 15. When you received this  
 [16] document -  
 [17] A: I believe so.  
 [18] Q: Do you recall whether you received  
 [19] this document in 1989, August of 1989?  
 [20] A: I don't know.  
 [21] Q: Was it your practice to read documents  
 [22] that you received from Dr. Levine back in August  
 [23] of 1989?  
 [24] A: My practice, again we are talking  
 [25] about almost ten years ago. I don't recall what

*Giladi*

[1] [2] happened then.  
 [3] Q: When you received documents, when you  
 [4] received a document from your -  
 [5] A: I read it.  
 [6] Q: All right. You don't recall whether  
 [7] you specifically read this one?  
 [8] A: This is an area a little bit I  
 [9] remember the scenario, but I don't remember the  
 [10] letter.  
 [11] Q: All right. I am handing you what has  
 [12] been marked as Exhibit 16. Let me know when you  
 [13] have finished reading that.  
 [14] A: All right.  
 [15] MS. SADE: Off the record.  
 [16] (Discussion off the record.)  
 [17] MS. SADE: Pursuant to the Federal  
 [18] Rules of Civil Procedure, you have a right  
 [19] within 30 days of the transcript being  
 [20] complete to obtain a copy of it and make any  
 [21] corrections that you want.  
 [22] But unless you specifically make that  
 [23] request then under the Federal Rules it  
 [24] doesn't need to be signed.  
 [25] MR. DINHOFER: Are you providing me

*Giladi*

[1] [2] with a copy to execute?  
 [3] MS. SADE: No. Under the Federal  
 [4] Rules he is entitled to get a copy to read  
 [5] and make changes, but we are not entitled to  
 [6] provide you with anything.  
 [7] MR. DINHOFER: I understand. Then I  
 [8] won't be providing you with copies of our  
 [9] depositions.  
 [10] MS. SADE: Along the lines of this  
 [11] deposition, you previously indicated that  
 [12] you were going to provide us with medical  
 [13] releases, releases to obtain records for the  
 [14] New Jersey Institute of Technology and  
 [15] Ramapo, and there is one other.  
 [16] MR. DINHOFER: Put it in a litter to  
 [17] me.  
 [18] MS. SADE: I did. You said that you  
 [19] would bring them.  
 [20] MR. DINHOFER: Edison College.  
 [21] MS. SADE: We are entitled to the  
 [22] documents that were submitted. You also  
 [23] submitted financial aid material and we  
 [24] don't have that.  
 [25] MR. DINHOFER: If they have it.

*Giladi*

[1] [2] get them. They are maintained separately.  
 [3] MR. DINHOFER: I noticed under the  
 [4] notice of discovery that you had given them  
 [5] to me. If they are not, we will take care  
 [6] of that problem.  
 [7] MS. SADE: Health records are always  
 [8] kept separate from personnel files, and we  
 [9] do need an authorization, even us to get  
 [10] access to that.  
 [11] MR. DINHOFER: For the record.  
 [12] MS. SADE: For the record and  
 [13] otherwise we have not seen those records  
 [14] yet. If you could provide me with a  
 [15] release, I would appreciate that.  
 [16] MR. DINHOFER: Okay.  
 [17] Q: Are you finished looking at that yet?  
 [18] MR. DINHOFER: We are on 16.  
 [19] Q: Have you seen this document?  
 [20] A: Yes.  
 [21] Q: Have you seen this document prior to  
 [22] today?  
 [23] A: Yes.  
 [24] Q: All right. Is this the March 1990  
 [25] letter from Dr. Levine that you testified about

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*Giladi*

[1] [2] previously?  
 [3] A: Correct.  
 [4] Q: Okay. That's it. I will hand you  
 [5] what has been marked as Defendant's Exhibit 17,  
 [6] Mr. Giladi. Can you please let me know when you  
 [7] have finished reviewing that.  
 [8] A: Yes.  
 [9] Q: Mr. Giladi, have you seen this  
 [10] document prior to today?  
 [11] A: I believe so.  
 [12] Q: Did you receive it back in April of  
 [13] 1990?  
 [14] A: I believe so.  
 [15] Q: When you received it did you read it?  
 [16] A: I believe so.  
 [17] Q: Did you understand it?  
 [18] A: If I understood it at the time? I  
 [19] believe so.  
 [20] Q: All right. I will hand you what has  
 [21] been marked as Defendant's Exhibit 18. Can you  
 [22] please let me know when you have finished  
 [23] reviewing that document. (Pause)?  
 [24] Are you finished reviewing Exhibit 18?  
 [25] A: Yes.

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*Giladi*

[1] [2] Q: What do you remember about that  
 [3] meeting described in document 1460, in 1405?  
 [4] A: Which one?  
 [5] Q: The subject of this document, what do  
 [6] you recall about the meeting which you described  
 [7] as a grievance relating to the equipment rental  
 [8] from VRI?  
 [9] A: As I said before, I was told to  
 [10] arrange for video equipment for the graduation  
 [11] and I did all of the arrangements for the  
 [12] equipment, and the graduation.  
 [13] And after hours I went to pick up the  
 [14] equipment, which was being discussed with my  
 [15] supervisor and Dr. Levine, and this is a practice  
 [16] that I was doing for years.  
 [17] And I was totally shocked when I  
 [18] received the letter, because they were trying to  
 [19] nail me for not being charged for the delivery.  
 [20] So I understand what are the problems  
 [21] to start with. If you are not being charged for  
 [22] the delivery, so what is the problem; what is the  
 [23] problem there?  
 [24] Q: Who was present at the meeting which  
 [25] took place?

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*Giladi*

[1] [2] Q: Mr. Giladi, have you seen Exhibit 18  
 [3] prior to today?  
 [4] A: We had a, we have a grievance over  
 [5] this letter.  
 [6] Q: This was the subject of a grievance?  
 [7] A: Yes.  
 [8] Q: When you say grievance, are  
 [9] you talking about the meeting referenced in  
 [10] document 1406, which states, this is to inform  
 [11] you that upon Dr. Levy's return a meeting will be  
 [12] scheduled and you may want to have a delegate  
 [13] present?  
 [14] A: Yes.  
 [15] Q: You were referring to that meeting or  
 [16] you consider that meeting the arbitration, I mean  
 [17] the grievance?  
 [18] A: Yes.  
 [19] Q: All right. Did you look at all of the  
 [20] pages of Exhibit 18?  
 [21] A: No.  
 [22] (Pause).  
 [23] The document number 1409, it is the  
 [24] first time that I am seeing it. But the rest is  
 [25] something familiar to me.

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*Giladi*

[1] [2] A: Hillel Cohen, Dr. Levine and I believe  
 [3] Rick DeWitt.  
 [4] Q: How long was the meeting?  
 [5] A: Around 15 minutes, I believe. During  
 [6] this meeting Dr. Levine admitted that he had no  
 [7] problem with my work. And he was very happy with  
 [8] the quality of the work that I did, and he just  
 [9] apologized for the misunderstanding.  
 [10] Q: You characterized this meeting as  
 [11] a grievance in your testimony earlier today.  
 [12] What's the basis for your calling it that?  
 [13] A: I said a grievance, but it was a  
 [14] meeting that I had to have the union there, that  
 [15] was involved in this part of an agreement and  
 [16] something.  
 [17] Q: You did not mean that you asked to  
 [18] file a second step grievance on your behalf; did  
 [19] you?  
 [20] A: On this one? On this one, not on this  
 [21] one. On the other letter that he showed me  
 [22] before, I did.  
 [23] Q: Are you referring to the March 28,  
 [24] 1990 letter?  
 [25] MR. DINHOFER: Exhibit 16.

*Giladi*

[1] [2] THE WITNESS: No, I am talking about  
[3] the suspension letter when I was -  
[4] Q: Exhibit 17?  
[5] A: Yes, I filed a grievance after me  
[6] finding out that Dr. Levine suspended me for the  
[7] purpose of having people coming to view my  
[8] videotapes of the graduation videotapes.  
[9] Q: Was it a written grievance?  
[10] A: Yes, it was.  
[11] Q: Who did you file it with?  
[12] A: With the Personnel Department, Hillel  
[13] Cohen filed the paper gave it to Zuckman, I  
[14] believe.  
[15] Q: Are you aware of whether Hillel Cohen  
[16] generally retains files relating to the grievance  
[17] that he submits on behalf of 1199 members?  
[18] A: I have no knowledge about his  
[19] practice.  
[20] Q: You have no knowledge. All right.  
[21] Have you ever asked Hillel Cohen  
[22] whether he has such files?  
[23] A: If I have no knowledge.  
[24] Q: Then the answer must be no, and you  
[25] need to say it?

*Giladi*

[1] [2] A: I don't recall that I asked him.  
[3] Q: All right, I will hand you what  
[4] has been marked as Defendant's Exhibit 19,  
[5] Mr. Giladi. Can you please tell me when you are  
[6] finished reviewing it?  
[7] A: All right, okay.  
[8] Q: Have you had a chance to finish  
[9] reviewing that?  
[10] A: Yes.  
[11] Q: Have you ever seen this document  
[12] before?  
[13] A: I believe so.  
[14] Q: When did you see it?  
[15] A: I believe in, I don't recall, maybe  
[16] March. Not from this date.  
[17] Q: March of 1992?  
[18] A: Yes.  
[19] Q: How did it come about that you saw  
[20] this document?  
[21] A: It was many years ago. I am denying  
[22] all of the allegations in this letter.  
[23] Q: I am handing you what has been marked  
[24] as Defendant's Exhibit 20; can you tell me -  
[25] I will hand you what has been marked

*Giladi*

[1] [2] as Defendant's Exhibit 20. Would you let me know  
[3] when you have finished reviewing that document?  
[4] A: Yes.  
[5] Q: Do you recall seeing this document  
[6] prior to today, Mr. Giladi?  
[7] A: Yes. The grievance filed on this.  
[8] Q: Excuse me.  
[9] A: And there was a grievance filed on  
[10] this, with regard to this letter.  
[11] Q: Are you testifying that you filed a  
[12] grievance after you received this letter?  
[13] A: That is correct.  
[14] Q: How did you file the grievance?  
[15] A: I spoke with Hillel Cohen, and we  
[16] filed a grievance that this letter. This letter  
[17] is for the purposes of harassment.  
[18] Q: Do you know whether a first step  
[19] grievance took place?  
[20] A: I don't recall.  
[21] Q: Do you know whether a second step  
[22] grievance took place?  
[23] A: The only thing I recall is that  
[24] Einstein said that they would withdraw this  
[25] letter from my file.

*Giladi*

[1] [2] Q: Are you aware of who at Einstein said  
[3] that they would drop this letter from your file?  
[4] A: Louise Zuckman.  
[5] Q: When did she say that?  
[6] A: Around this period of time.  
[7] Q: As a result of her representation you  
[8] decided not to pursue the grievance?  
[9] A: I said I know that the outcome of all  
[10] of this issue was that this letter was supposed  
[11] to be withdrawn from my file, that is the only  
[12] thing that I can recall.  
[13] Q: You don't know whether a hearing  
[14] actually took place?  
[15] A: I said, I don't recall.  
[16] Q: I will handing you what has been  
[17] marked as Defendant's Exhibit 23. Would you tell  
[18] me when you have had a chance to review that. Do  
[19] you recognize this document?  
[20] A: I signed it.  
[21] Q: Do you recognize the document?  
[22] A: Yes.  
[23] Q: Is this your signature?  
[24] A: I believe so.  
[25] Q: Is this the cover letter and resume

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[1] **Giladi**  
 [2] that you first sent to Albert Einstein College of  
 [3] Medicine in November of 1991?  
 [4] **A:** I did not send it. My X wife sent it.  
 [5] **Q:** Did you sign it?  
 [6] **A:** I only signed it.  
 [7] **Q:** I am handing you Exhibit 24. Would  
 [8] you tell me after you have had a chance to review  
 [9] that?  
 [10] **MR. DINHOFER:** I can't read it.  
 [11] **Q:** To the extent that you can read it.  
 [12] **A:** Yes, I read it as much as I could.  
 [13] **Q:** Is this your handwriting, Mr. Giladi?  
 [14] **A:** It used to be.  
 [15] **Q:** Did you fill this document out,  
 [16] Mr. Giladi?  
 [17] **A:** Yes, I did.  
 [18] **Q:** That's fine. I am handing you what  
 [19] has been marked as Defendant's Exhibit 25. Can  
 [20] you please tell me when you have had a chance to  
 [21] review that document?  
 [22] **A:** All right.  
 [23] **Q:** Is that your signature?  
 [24] **A:** Yes.  
 [25] **Q:** Do you recognize this document?

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[1] **Giladi**  
 [2] to my supervisor.  
 [3] **Q:** Which supervisor?  
 [4] **A:** Rick DeWitt.  
 [5] **Q:** What did he say when you showed him  
 [6] the documentation?  
 [7] **A:** I don't recall. I went from  
 [8] Dr. Cohen's office, and I went to him and I told  
 [9] him that the doctor told me to stay in bed, and  
 [10] he said to me, okay, go home.  
 [11] And I got the letter dated September  
 [12] 2nd, and I am sure he spoke with, I am not sure  
 [13] but I assume that he spoke with Zuckman about  
 [14] this letter.  
 [15] I assume that Rick spoke with her  
 [16] about the September 1st letter, and as a result  
 [17] she wrote the September 2nd letter.  
 [18] **Q:** Mr. Giladi, did you give Mr. DeWitt a  
 [19] copy of the enclosure to this letter -  
 [20] **A:** I believe so.  
 [21] **Q:** - when you spoke with him?  
 [22] **A:** I believe so. At this time I don't  
 [23] recall.  
 [24] **Q:** All right. Did you receive any  
 [25] additional correspondence from Ms. Zuckman after

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[1] **Giladi**  
 [2] **A:** Yes.  
 [3] **Q:** Did you send this document to  
 [4] Ms. Zuckman?  
 [5] **A:** Yes. But I never got a response.  
 [6] **Q:** What was the purpose of you sending  
 [7] her this document?  
 [8] **A:** She wrote me a letter, and I don't  
 [9] remember the letter. She sent me a letter and  
 [10] this is my response to her letter.  
 [11] **Q:** Would you take a look at the enclosure  
 [12] to the letter.  
 [13] **A:** Yes.  
 [14] **Q:** What's the date on the enclosure?  
 [15] **A:** September 1st.  
 [16] **Q:** What's the date on the letter?  
 [17] **A:** September 9th.  
 [18] **Q:** Do you recall why you waited eight  
 [19] days to forward this medical documentation to  
 [20] Ms. Zuckman?  
 [21] **A:** First I did not wait eight days for  
 [22] this medical documentation, because after seeing  
 [23] the doctor I walked in, I walked, I believe I  
 [24] walked in to the department with my supervisor.  
 [25] And I believe I showed this document

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[1] **Giladi**  
 [2] sending her the September 9th letter?  
 [3] **A:** I believe so. I cannot recall.  
 [4] **Q:** I am handing you what has been marked  
 [5] as Exhibit 26. Can you take your time to review  
 [6] that and let me know when you have had a chance  
 [7] to look it over?  
 [8] **A:** I read it.  
 [9] **Q:** Do you recall receiving this document  
 [10] from Ms. Zuckman in 1994?  
 [11] **A:** I believe so.  
 [12] **Q:** What did you do in response to  
 [13] receiving the document?  
 [14] **A:** I think we filed a grievance.  
 [15] **Q:** I am handing you what has been marked  
 [16] as Defendant's Exhibit 27. Let me know when you  
 [17] have had a chance to review it.  
 [18] **A:** All right. Yes.  
 [19] **Q:** Have you ever seen this document  
 [20] before, Mr. Giladi?  
 [21] **A:** Yes.  
 [22] **Q:** When did you first receive this  
 [23] document?  
 [24] **A:** I don't recall.  
 [25] **Q:** Was it in -

*Giladi*

[1] [2] A: After December 9th.  
 [3] Q: Was it December of 1994?  
 [4] A: I don't know when.  
 [5] Q: Did you read the document?  
 [6] A: Yes.  
 [7] Q: When you received it back in 1994?  
 [8] A: Yes.  
 [9] Q: Did you understand the document?  
 [10] A: Yes.  
 [11] Q: What did you do in response to receiving this document?  
 [12] A: First I think I called Ms. Zuckman with regard to the money that they owed me, the money that the college owed me, which I never received up to this moment.  
 [13] And second, I think I may have responded in writing, but I am not sure. And I think after this, we also had some arbitration, we filed for arbitration.  
 [14] Q: I will hand you what has been marked as Defendant's Exhibit 28. Please let me know when you have had a chance to review that.  
 [15] A: I read it.  
 [16] Q: Is that your signature, Mr. Giladi?

*Giladi*

[1] [2] MR. DINHOFER: On the second page.  
 [3] Q: 1156. Page 1156.  
 [4] A: Yes.  
 [5] Q: Can you tell me whether this is the document that you wrote in response to Ms. Zuckman's memorandum to Hillel Cohen dated December 9, 1994?  
 [6] A: This is in regard to the December 9th letter, I believe so. Yes.  
 [7] Q: I will hand you what has been marked as Defendant's Exhibit 29.  
 [8] A: Yes.  
 [9] Q: Have you ever seen this document, Mr. Giladi?  
 [10] A: I filled it.  
 [11] Q: You filled it out?  
 [12] A: Yes.  
 [13] Q: That is your handwriting?  
 [14] A: Partial.  
 [15] Q: Where's your handwriting, where on this document have you written?  
 [16] A: The section that says accident.  
 [17] And I believe the first section the dates, employment, Social Security, name, and

[1] [2] address. Injured person and insurance carrier.  
 [3] Q: When did you fill this out?  
 [4] A: I believe the next day after the injury.  
 [5] Q: For what purpose?  
 [6] A: For what purpose? I was having pain and I had to go, I had to go to the health service.  
 [7] Q: Did the health service give you this form to fill out?  
 [8] A: I am not sure at this -  
 [9] The health service or my supervisor.  
 [10] Q: Who did you give the form to when you were finished completing it?  
 [11] A: To the receptionist at the health service.  
 [12] Q: Did you see it again at any point after giving it to her?  
 [13] A: I don't recall.  
 [14] Q: I will hand you what has been marked as Defendant's Exhibit 30.  
 [15] Would you hold on to the other exhibit.  
 [16] Can you tell me what Defendant's

*Giladi*

[1] [2] Exhibit 30 is, Mr. Giladi?  
 [3] A: It is the same exhibit like 29, but a little bit enlarged.  
 [4] Q: All right.  
 [5] MS. SADE: I guess this should be really directed to Mr. Dinhofer.  
 [6] Do you have a non-enlarged version of Plaintiff 056?  
 [7] MR. DINHOFER: I did not enlarge it.  
 [8] I produced what I had. This came from the Comp file or something, I don't know, I don't know what section of the documents I provided you with.  
 [9] MS. SADE: It is different from this document.  
 [10] MR. DINHOFER: I did not enlarge anything that I gave you.  
 [11] MS. SADE: Your copy is cut off, too.  
 [12] MR. DINHOFER: Yes.  
 [13] MS. SADE: It is different from this.  
 [14] It looks like an earlier version.  
 [15] I notice that line 17 is not the same  
 [16] nor is 15. It is a version that predates the final one that was submitted to Workers'

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[1] [2] Comp, and it is different. Look up here, it  
 [3] has a squiggle on it.  
 [4] **MR. DINHOFER:** The employers report?  
 [5] It doesn't have the dates.  
 [6] **MS. SADE:** We ended up with this.  
 [7] **MR. DINHOFER:** Maybe it is the State  
 [8] Insurance Fund or the Workers' Comp. I gave  
 [9] you what I had. I don't blow things up.  
 [10] **Q:** I will hand you what has been marked  
 [11] as Defendant's Exhibit 30. I will hand you  
 [12] Exhibit 31.  
 [13] **A:** All right.  
 [14] **Q:** Have you ever been seen this document  
 [15] before, Mr. Giladi?  
 [16] **A:** I saw the document, but I did not  
 [17] write it.  
 [18] **Q:** Down in the signature line, which has  
 [19] been obscured, courtesy of the State Insurance  
 [20] Fund, there is a little teeny piece of a  
 [21] signature.  
 [22] **A:** I can't read it.  
 [23] **Q:** I will have to get another copy from  
 [24] Workers' Comp then. Do you have any idea who  
 [25] filled out Exhibit 31?

[1] [2] that you gave her?  
 [3] **A:** I believe so.  
 [4] **Q:** Do you typically read forms before you  
 [5] sign them?  
 [6] **A:** It depends on who gives it to me.  
 [7] **Q:** You understand for example, did you  
 [8] understand when you signed it that this form was  
 [9] going to be submitted to the Workers' Comp board?  
 [10] **A:** I don't know if I signed it, because I  
 [11] can't see the signature.  
 [12] **Q:** I wasn't assuming that you signed it.  
 [13] **A:** You said when you signed this form.  
 [14] **Q:** I apologize.  
 [15] When you signed forms that your  
 [16] Workers' Comp attorney gave you, did you  
 [17] understand that those forms were going to be  
 [18] submitted to the Workers' Comp board?  
 [19] **A:** I assume that whatever I am giving  
 [20] them will go to some place else.  
 [21] **Q:** Do you recall telling your Workers'  
 [22] Comp attorney that you had to stop work because  
 [23] of your hand and arm carpal tunnel syndrome on  
 [24] August 9, 1993?  
 [25] **A:** I don't recall the entire conversation

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*Giladi*

[1] [2] **A:** One of the attorneys at Workers' Comp.  
 [3] **Q:** Did you provide that attorney with  
 [4] information with which to fill out Exhibit 31?  
 [5] **A:** She asked me, she or he asked me the  
 [6] condition, about my condition.  
 [7] **Q:** Did you tell your Workers' Comp  
 [8] attorney that the nature of your illness/injury  
 [9] related to both arms and hands, carpal tunnel  
 [10] syndrome?  
 [11] **A:** Carpal tunnel syndrome, I told her  
 [12] related to my job.  
 [13] **Q:** That was not the question.  
 [14] I am reading what's on the form.  
 [15] Did you tell her that you, the nature  
 [16] of your injury/illness was both arms and hands  
 [17] carpal tunnel syndrome?  
 [18] **A:** I don't remember the full content of  
 [19] the conversation, it was in 1993. And I know  
 [20] that we sat and talked about many things and she  
 [21] came with these forms.  
 [22] **Q:** Did you read the forms?  
 [23] **A:** I don't think I read them.  
 [24] **Q:** Is it your understanding that she  
 [25] filled the forms out based on the information

[1] [2] of what I said.  
 [3] **Q:** Does this look like the form that she  
 [4] provided to you after you had that conversation?  
 [5] **A:** I don't recall.  
 [6] **Q:** I will hand you what has been marked  
 [7] as Defendant's Exhibit 21. Have you ever seen  
 [8] this exhibit before? Have you ever seen this  
 [9] document before? Have you seen this document  
 [10] before?  
 [11] **A:** I said I wrote it.  
 [12] **Q:** The answer is, yes?  
 [13] **A:** I said, yes.  
 [14] **Q:** Is that your signature?  
 [15] **A:** I believe so.  
 [16] **Q:** How frequently did you receive  
 [17] documents like this from the State Insurance  
 [18] Fund?  
 [19] **A:** I don't recall.  
 [20] **Q:** More than once?  
 [21] **A:** It can be.  
 [22] **Q:** Do you recall filling out more than  
 [23] one of these documents?  
 [24] **A:** It is a possibility, but I can't  
 [25] testify to that.

[1] **Giladi**  
 [2] Q: According to this form, did you  
 [3] identify Dr. Joel S. Cohen as your doctor as of  
 [4] March 22, 1996?  
 [5] A: I believe that I was, I put him as my  
 [6] doctor, yes.  
 [7] Q: Why didn't you identify any other  
 [8] doctors in connection with this form?  
 [9] A: Why?  
 [10] Q: Aha.  
 [11] A: I don't know what I was thinking at  
 [12] the moment when I filed this paper.  
 [13] Q: Were you under treatment with any  
 [14] other doctors in March of 1996?  
 [15] A: I don't recall.  
 [16] Q: You don't recall whether you were  
 [17] being treated in March of 1996 by any other  
 [18] doctors?  
 [19] A: I said it is a possibility. I don't  
 [20] recall.  
 [21] Q: Who was treating you for carpal tunnel  
 [22] syndrome in March of 1996?  
 [23] A: I don't have a specific doctor that  
 [24] was dealing with my carpal tunnel syndrome as I  
 [25] said before.

[1] **Giladi**  
 [2] Q: Were you being treated for your carpal  
 [3] tunnel syndrome in March of 1996?  
 [4] A: I don't recall.  
 [5] Q: I will hand you what has been marked  
 [6] as Defendant's Exhibit 22. Would you tell me  
 [7] when you have had a chance to look at that  
 [8] document, Mr. Giladi.  
 [9] A: Yes. I have looked.  
 [10] Q: You have looked.  
 [11] A: Yes.  
 [12] Q: Can you tell me what this is?  
 [13] A: It is another form that my lawyer  
 [14] asked me to sign.  
 [15] Q: Have you ever seen it before?  
 [16] A: If I signed it, I saw it.  
 [17] Q: Is that your signature?  
 [18] A: Yes.  
 [19] Q: Do you know who filled out the date on  
 [20] this document, 9/28/93?  
 [21] A: It is the same attorney that I talked  
 [22] about.  
 [23] Q: The female attorney that works for the  
 [24] Workers' Comp firm that you hired?  
 [25] A: Excuse me. I did not hear.

[1] **Giladi**  
 [2] Q: The same attorney that works for the  
 [3] Workers' Comp firm that you hired?  
 [4] A: Yes.  
 [5] Q: Is she the same attorney who you  
 [6] provided information to to fill out this form,  
 [7] which is Exhibit 31?  
 [8] A: I said, I just said it could be a he  
 [9] or she, but I believe it is a she. I did not  
 [10] guarantee that it was a she.  
 [11] Q: But it was your Workers' Comp attorney  
 [12] that filled out both Forms 22 and 31, Exhibits 22  
 [13] and 31?  
 [14] A: Yes.  
 [15] Q: We will go back to one exhibit and  
 [16] then we are done.  
 [17] I am going to give you what has been  
 [18] marked as Defendant's Exhibit 28. Have you had a  
 [19] chance to review this document?  
 [20] You had a chance to review this  
 [21] document earlier; is that correct?  
 [22] A: I read it.  
 [23] Q: The last line of the first page reads:  
 [24] It should also be noted that the August 5th  
 [25] letter and your proposed agreement relative to

[1] **Giladi**  
 [2] this matter doesn't contain this statement on a  
 [3] regular basis.  
 [4] What did you mean by your proposed  
 [5] agreement?  
 [6] A: As I testified to that, they provided  
 [7] me with this - some letter on August 12th, which  
 [8] they asked me to sign it.  
 [9] Q: What letter did they provide you on  
 [10] August 12th?  
 [11] A: I said something, but I don't recall  
 [12] exactly what it is. I don't have it in front of  
 [13] me. I did not, I did not -  
 [14] I did not see it for a long period of  
 [15] time, so I couldn't go into it at the moment.  
 [16] Q: Who provided you with the letter that  
 [17] they wanted you to sign?  
 [18] A: Ms. Zuckman.  
 [19] Q: Do you remember what was in the  
 [20] letter?  
 [21] A: A lot of things in the letter, I can't  
 [22] remember at the moment.  
 [23] Q: Does that mean that you saw  
 [24] Ms. Zuckman on August 12th of 1994?  
 [25] A: She was running away from me.

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*Giladi*

[1] [2] She refused to have any contact with  
 [3] me on the phone, or in any ways. And she did  
 [4] everything through my supervisor.

[5] This is why they kept me there until  
 [6] five o'clock, and one day they kept me there  
 [7] until five. I was never paid for this time even  
 [8] though Victor.

[9] Victor Davidovic clearly indicated  
 [10] that they are going to pay me for this hours even  
 [11] though, and I considered returning to work as of  
 [12] August 12th, and I was not being paid for these  
 [13] hours.

[14] The only thing I recall from this is  
 [15] only that I had a piece of paper and I don't know  
 [16] the content of it at the moment.

[17] Q: Just to clarify the pieces of paper  
 [18] that you were given by your supervisor that came  
 [19] from Ms. Zuckman, is what you are talking about  
 [20] when you say your proposed agreement in Exhibit  
 [21] 28?

[22] A: Yes.

[23] Q: Do you remember anything about it?

[24] What did it have to do with?

[25] A: I remember that, saying that they are

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*Giladi*

[1] [2] with the letter.  
 [3] Q: Complied with what letter?  
 [4] A: They told me until August 17, August  
 [5] 17, which was Wednesday, that they are giving me  
 [6] the time to go to see the doctor. When I arrived  
 [7] on Monday morning, August 15th, they told me that  
 [8] I have to see the doctor today.

[9] And we are not giving you any extra  
 [10] time. And I said, I assumed that I came through  
 [11] there to pick up a letter. They said we are not  
 [12] giving you anything, we will not give a letter.  
 [13] You have to see the doctor today. What happened  
 [14] to the 17th?

[15] Q: I thought you said that they did not  
 [16] sign -

[17] A: This is the part of the letter, all  
 [18] this is part of it. This is one or two pages.

[19] Q: And in the one or two-page document  
 [20] AICOM was representing to you that you had until  
 [21] the 17th to get medical documentation?

[22] A: That is correct.

[23] Q: But did you sign that letter?

[24] A: No.

[25] Q: So, what's the basis for your saying

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*Giladi*

[1] [2] going to give me until Wednesday to provide them  
 [3] with the connotation, medical documentation.

[4] That they are going to provide me with  
 [5] the letter to my physician, which would indicate  
 [6] exactly what their request from him, what they  
 [7] will request from him. I think also, I don't  
 [8] recall -

[9] When I arrived on August 15th things  
 [10] were totally different.

[11] Q: Okay. With respect to that agreement  
 [12] did you retain a copy of it, this proposed  
 [13] agreement; was it in writing?

[14] A: It was in writing, yes.

[15] Q: Did you retain a copy of it?

[16] A: In 1994, I assume I had something in  
 [17] my hand but as I said, I don't recall.

[18] Q: So they gave you a copy of it or they  
 [19] showed it to you; do you know which?

[20] A: I assumed that they showed it to me or  
 [21] gave it to me to sign it. I never signed it,  
 [22] that's what I know.

[23] Q: Did you discuss the agreement with  
 [24] anyone from your union or anyone else?

[25] A: No, because the college never complied

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*Giladi*

[1] [2] that you expected until the 17th?

[3] A: They told me that the next, on Monday  
 [4] when I come back, to think about it and on Monday  
 [5] when I come back, that I will sit with the union  
 [6] and everybody, because the union has to sign,  
 [7] too.

[8] Q: Okay.

[9] A: And they changed the full story.

[10] Q: By Monday there was no longer a  
 [11] proposed agreement, they said just go get medical  
 [12] documentation; is that what your testimony is?

[13] A: That is correct.

[14] Q: On page 1156 for a second, the

[15] first sentence of the second paragraph reads,  
 [16] furthermore in reviewing my notes relating to the  
 [17] August 12th, 1994 conference regarding my request  
 [18] for accommodation in my workplace for work within  
 [19] my physical limitations -

[20] And the sentence goes on.

[21] Mr. Giladi, what notes do you have

[22] relating to the August 12th, 1994 conference?

[23] A: What I have?

[24] Q: What notes.

[25] A: The only notes I have is the

[1] *Giladi*

[2] videotape.

[3] Q: Why did you write notes in here

[4] instead of something else?

[5] A: Because after listening to the tape

[6] I wrote this statement, I wrote one of the

[7] statements as I indicated here and for me these

[8] are notes, from the notes.

[9] Q: Do you still have those notes?

[10] A: I don't think so. I had the tape.

[11] Q: The original of the tape has this

[12] statement, this statement identified on page 1156

[13] on it?

[14] A: From the beginning of today, meaning

[15] Friday August 12th, 1994, and it doesn't make any

[16] difference, even if she, meaning Ms. Zuckman says

[17] he can work from Monday.

[18] Q: Your testimony is, that is on the

[19] tape?

[20] A: Yes. That he said clearly that

[21] Mr. Davidovic stated in the course of the

[22] conference that what she said exactly that the

[23] college will pay, that the college will pay,

[24] would pay me from the beginning of today, meaning

[25] Friday August 12th, 1994, and it doesn't make a

[1] *Giladi*

[2] would like to clarify?

[3] THE WITNESS: At the present time I

[4] would like to review the record first before

[5] I mention anything.

[6] MS. SADE: Pursuant to the Federal

[7] Rules, Rule 30, your attorney will explain

[8] this to you. You will have to identify the

[9] basis for making any changes.

[10] Is that it for the day?

[11] MR. DINHOFER: That is it for the day.

[12] MS. SADE: Thank you. I have no

[13] further questions at this time.

[14] (Time noted: 2:50 p.m.)

[15]

[16]

[17] RONI GILADI

[18]

[19] Subscribed and sworn to before me

[20] this day of 199\_\_.

[21]

[22]

[23]

[24]

[25]

[1] *Giladi*

[2] difference what Ms. Zuckman said.

[3] And yes, you can hear this on the

[4] tape. Again, I never got paid for these days.

[5] Q: Mr. Giladi, is there anything that

[6] you would like to clarify with respect to your

[7] testimony that you have given in the last three

[8] days of testifying?

[9] A: To clarify -

[10] Q: This is your opportunity to do so.

[11] MR. DINHOFER: Wait a minute.

[12] Let me clarify that for my client.

[13] That is not entirely true.

[14] You are entitled to get a copy of the

[15] transcript, which I have made a request for,

[16] okay. You will have an opportunity to

[17] review it and make clarifications based on

[18] your review of the transcript.

[19] Not having had an opportunity, not

[20] having the, not having had the opportunity

[21] to review the transcripts of the proceedings

[22] but based on your present recollection of

[23] what you have testified to over the last

[24] three sessions spread out over the last

[25] three weeks, is there anything that you

[1]

[2]

[3] -----INDEX-----

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[8] DIRECTIONS:

[9] RULINGS:

[10] TO BE FURNISHED:

[11] REQUESTS: 524, 544

[12]

[13] ----- EXHIBITS -----

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[22]

[23]

[24]

[25]

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[1]  
[2]  
[3] CERTIFICATE  
[4][5] STATE OF NEW YORK )  
[6] ) ss.  
[7] COUNTY OF NEW YORK )[8]  
[9] I, ROBERT X. SHAW, CSR, a Notary  
[10] Public within and for the State of New York,  
[11] do hereby certify:  
[12] That RONI GILADI, the witness  
[13] whose deposition is hereinbefore set forth,  
[14] was duly sworn by me and that such  
[15] deposition is a true record of the testimony  
[16] given by such witness.[17] I further certify that I am not  
[18] related to any of the parties to this action  
[19] by blood or marriage; and that I am in no  
[20] way interested in the outcome of this  
[21] matter.[22] IN WITNESS WHEREOF, I have hereunto  
[23] set my hand this 7th day of June, 1998.  
[24]

[25] ROBERT X. SHAW, CSR